

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MARCH 17, 2008

Study Session

Acting City Manager Bradley C. Vath opened the Study Session at 5:02 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, George H. Lovett, Mayor Tim E. Evans, President Patrick A. Hale, John Kessler, and Dolores Gillis.

Others in attendance included: Law Director Joseph P. Moore, City Planner/Zoning Administrator Matt Spring, Mike McFarland, Dr. Eric D. Kelly, Kevin A. Lantz, Esq., Fire Chief Steve Kessler, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

**Discussion –
Sign Code**

Prior to the recent legal challenge to the sign code ordinance the City retained Eric Damian Kelly, Ph.D., who is an expert on sign regulations in the United States, to review the ordinance. Dr. Kelly stated that his goal was to ensure that Tipp City's sign code was constitutional. A well written sign code would lay the burden of proof on the prosecution. He stated that he would not completely rewrite Tipp City's sign code and many of the standards would not change, in many cases he was only cleaning up the wording.

Upon review Dr. Kelly found that the existing Code had sections that were contradictory of one another. He stated that the code was riddled with content language, exemptions, and special provisions. He stated that the City could not regulate the content/language of a sign. As a rule, Dr. Kelly said it was okay for the City to regulate off premise advertising and commercial and noncommercial content, as long as commercial signs were treated better.

Mrs. Blakey noted that the City rewrote its sign code 4 years ago. Dr. Kelly stated that Tipp City's sign code contained the same content as those written in the late 1980's. He was surprised to find out the code was updated four years ago.

As they went through the proposed amendments, attached, Dr. Kelly suggested that the City refrain from granting variances and exemptions. Dr. Kelly stated that the City's goal should be to not grant any variances. The only variance that might be acceptable is a height variance due to the lay of the land. When exemptions and variances occur the Code can be challenged.

Dr. Kelly recommended that offsite signage for special events should be regulated administratively; the Planning Board should not be responsible for this approval. In addition, he stated that City Council should not be approving the Main Street Banners. They should be granted on a first come, first served, basis and handled administratively by staff.

Dr. Kelly emphasized how important it was to be consistent. The City should not make exceptions for certain companies and make

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others conform to the Code. In addition, the regulations/standards should be uniform for all businesses including institutional uses.

When discussing signs along the bike path, Dr. Kelly said it was okay to have signs that said "Come to Tipp City" but a sign for *ACE Hardware* would not be permitted. Signage in this area would also be regulated by the Five Rivers Metro Park.

While discussing signage downtown, City Council choose to permit sidewalk signs in the PC and CC zoning districts, window signs could be displayed in either the first or second floors of a building.

In reference to window signage, it would be limited to 25% of the entire window. A merchant selling signs would be limited to the same percentage.

Mr. Lovett asked Dr. Kelly if the City could regulate painted signs on a building. Dr. Kelly said that painted signs are considered wall signs and conform to those standards. He noted that some communities encourage painting buildings for advertising purposes as well as aesthetic reasons.


When discussing flags, Mr. Lantz pointed out the State of Ohio flag had a pendant shape. Dr. Kelly stated that he would review that section of the Code further.

Adjournment

Dr. Kelly stated that he would make the code amendments outlined in his presentation and provide City Council and staff with a revised version to review. The study session concluded at 7:21 p.m.



Patrick A. Hale, President of Council

Attest: 
Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MARCH 17, 2008

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, John E. Kessler, Patrick A. Hale, Tim E. Evans, Vickie K. Blakey, and Dee Gillis.

In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Finance Director Richard Drennen, City Engineer/Service Director Scott P. Vagedes, EMS Chief Mark Senseman, Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Dana Rasmusen, *Independent Voice* reporter Matt Clevenger, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Michael McFarland, Joe Bagi, Rev. Gary Boggs, Mike Jackson, Matthew Kolakaoski, Paul and Kathy Lee, Diahanna Blair, and Robert Horrocks.

Invocation and Pledge of Allegiance

Rev. Gary Boggs from the First Baptist Church delivered the invocation. President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Kessler moved to approve the agenda, seconded by Mr. Lovett. The motion unanimously carried.

Adoption of Minutes

Mrs. Gillis moved, seconded by Mr. Beagle, to adopt the minutes of the March 3, 2008 City Council Meeting. The motion carried with a vote of 6-0. Mayor Evans abstained due to absence.

Mrs. Blakey moved, seconded by President Hale, to adopt the minutes of the March 3, 2008, Post City Council Meeting Study Session. The motion carried 6-0; Mayor Evans abstained due to absence.

Presentation Red Cross Proclamation

Mayor Evans proclaimed the month of March as Red Cross Month in Tipp City. A proclamation was presented to Mike Jackson, Co-Chair of the Miami County Red Cross Month Committee.

Ordinances (Second Reading And Public Hearing) Ordinance 05-08 Rezoning of Inlots 4050 and 4051

The following ordinance was presented to City Council for second reading and public hearing.

Ordinance 05-08: An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/-9.7275 acres (all of Inlots 4050 & 4051) located at 1361 West Main Street and 55 & 77 Kinna Drive from GB (General Business) and I-1 (Light Industrial) to HS (Highway Service) zoning classification.

Clerk of Council Summary: This ordinance will rezone the Kathy and Paul Lee property within the Menard Subdivision to Highway Service zoning classification.

President Hale opened the public meeting. Mr. Moore swore in those wishing to testify during the public hearing.

**Resolutions
(One Reading
Required)**
Resolution 09-08
Mowing Bids

Acting City Manager Report: Mr. & Mrs. Paul Lee have requested the rezoning of their property located at 1361 West Main Street and 55 & 77 Kinna Drive from the existing General Business and Light Industrial to a proposed Highway Service zoning designation. Mr. Vath noted that the Tipp City Planning Board at their February 12th meeting recommended this rezoning to City Council.

Mr. Beagle asked if a buffer was required for the Highway Service (HS) zoning. Mr. Vath stated that a buffer was not required. Mr. Beagle asked staff to give examples of HS uses. Mr. Vath stated that HS zoning allows restaurants and retail uses.

Mr. Beagle asked if the Lee's had any prospects for this land. Mr. Lee stated that he didn't have any prospects at this time.

There being no other testimony, Mr. Lovett moved to close the public hearing, seconded by Mayor Evans. The motion unanimously carried.

Mr. Kessler sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a vote of 7-0. Ordinance 05-08 was declared passed and President Hale affixed his signature in witness thereto.

The following resolutions were presented to City Council for adoption.

Resolution 09-08: A resolution authorizing the City Manager to enter into an agreement with Premow Maintenance LLC of Tipp City to mow selected public park properties for three years in the total amount of \$30,747.

Clerk of Council Summary: This resolution will award a 3-year contract to mow various City properties in accordance with the bid specifications for the years 2008, 2009, & 2010.

Acting City Manager Report: The City solicited bids for a 3-year mowing contract for various City facilities. Mr. Vath stated that the City has found that contract mowing in neighborhood parks and outlying areas is cost effective and frees up City labor for other projects. Staff recommended awarding a 3-year contract to Premow Maintenance LLC of Tipp City.

Mr. Kessler asked staff to explain the cost savings associated with mowing contract. Mr. Vagedes stated that mowing was contracted for outlying parks, one to five acres in size, preventing the City from transporting equipment to these areas. City crews focus on larger parks. In addition the City has not had to increase personnel or buy additional equipment.

Mr. Vath noted that the contract is based on thirty mowing per year. Those mowing can be increased or decreased based on need.

Mrs. Blakey asked if the Park Department picked up tree limbs before the contractor mowed. Mr. Vagedes stated that staff did remove large tree limbs. The contractor, however, is responsible for picking up

debris before mowing. Park Superintendent Asher inspects all parks before and after mowing.

Mrs. Blakey sponsored this resolution and moved for its adoption, seconded by Mr. Lovett. The motion unanimously carried. Resolution 09-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 10-08
Reverse 911 Contract

Resolution No. 10-08: A resolution authorizing the execution of a Memorandum of Understanding with Miami County for the use of the 21st Century Reverse 911 calling system for Tipp City.

Clerk of Council Summary: This resolution allows Tipp City to use the 21st Century system under the Miami County agreement.

Acting City Manager Report: Mr. Vath stated that the City wanted to use the 21st Century Reverse 911 calling system with Miami County. The Miami County Prosecutor requires the City to adopt a Resolution authorizing the "Memorandum of Understanding" to allow Tipp City to use the 21st Century system. He noted that the City had previously used the CodeRED system, but determined that the 21st Century system is more cost effective (+/- \$850/year). This system is currently utilized by the Miami County Sheriff, City of Piqua, and City of Troy.

Mr. Beagle asked if citizens would need to sign up for the new program. Mr. Vath replied that the system would be set up using the 21st Century data base. Unlisted customers will need to sign up for the program. Citizens may also opt-out of the program or request that notifications be sent directly to their cell phones. Mr. Vath stated that information about this program would be included in the next issue of the *Tippecanews*.

Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by President Hale. The motion carried. Resolution 10-08 was declared passed and President Hale affixed his signature in witness thereto.

Motions
TIRC
Recommendation

Mr. Vath noted that the Tipp City Tax Incentive Review Council (TIRC) met on March 13th, to consider the performance of Transfreight LLC/Brett Properties during the calendar year of 2007. The TIRC recommended continuation of the incentive package for Transfreight LLC/Brett Properties for 2008, since they met their investment levels and employment goals.

Mr. Lovett moved to approve the recommendations of the Tax Incentive Review Council (TIRC) regarding Enterprise Zone (EZ) incentives in Tipp City, seconded by Mayor Evans. The motion carried 6-1, Mrs. Blakey voted against.

Citizen Comments

Reverend Gary Boggs, 6625 Curtwood Drive, thanked the Electric Department for the excellent work they did on the trees at the First Baptist Church. He noted that the first Thursday in May is the National Day of Prayer. He asked if the Mayor would prepare a proclamation. Mayor Evans agreed. Rev. Boggs then asked if the City would allow services in a public location, either at the Government

**Councilmember
Comments**

Center or at a prominent location downtown. Mr. Vath stated that he would contact Rev. Boggs to discuss this matter.

Mr. Kessler commended the Street Department for keeping the roadways clear during the last snow event. Based upon the report provided by Mr. Vath, this event cost the City approximately \$30,000.

Mrs. Gillis announced that she attend the fifth grade DARE graduation and the Masonic Clock Dedication last week, both events were well done.

Mr. Lovett stated that he also attended the clock dedication ceremony, "it was moving and very interesting." He stated that the clock will make a nice addition to the downtown.

Mr. Evans congratulated the Tippecanoe Lodge #174, Free and Accepted Masons, as they celebrated the 200th anniversary of the establishment of the Grand Lodge of Free and Accepted Masons of Ohio. He noted it was the second time in six months that the Grand Lodge attended dedication ceremonies in Tipp City.

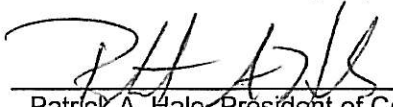
**Acting City Manager
Comments**

Mr. Vath noted that the Community Development Block Grant (CDBG) funds would not be available in 2008. Funds were allocated for the Casstown Sewer Fund. He noted that the 2006 CDBG grant awarded to Tipp City will replace sanitary sewer at the Old Municipal Building. In 2009, CDGB funds will be used to install public restrooms at the Old Municipal Building if received. These restrooms will be open 24 hours a day, 365 days a year.

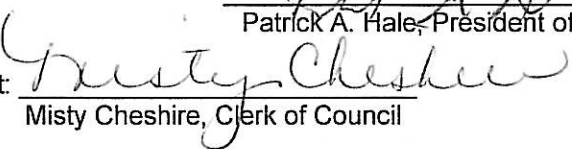
President Hale announced that City Council would hold a Study Session after the meeting to discuss job ready site grant applications and capital improvement funding.

Adjournment

There being no further business, it was moved by Mrs. Gillis, seconded by Mr. Lovett, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 7:58 p.m.


Patrick A. Hale, President of Council

Attest:


Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MARCH 17, 2008

Study Session

Acting City Manager Bradley C. Vath opened the Study Session at 8:08 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, George H. Lovett, Tim E. Evans, President Patrick A. Hale, John Kessler, and Dolores Gillis.

Others in attendance included: Fire Chief Steve Kessler, Finance Director Richard Drennen, City Engineer Scott Vagedes, Diahanna Blair, Phil Hughes, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

**Discussion –
Job Ready Site Grant
Application**

Mr. Vath used the attached PowerPoint presentations to discuss the development an industrial park and extension of Kinna Drive. Mr. Lovett recused himself from the study session. Mr. Vath stated that funds were available through the ODOT Job Ready Site Grant and applications are due May 15th. He noted that the City would need \$750,000 in local funds for this project. Since the City's income tax levy was defeated, the City must turn to private property owners for a portion of the money. He estimated that \$520,000 would need to be collected from private property owners to move forward with this project.

Mr. Vath asked if City Council wanted staff to pursue this grant. Mrs. Gillis stated that staff should contact the property owners to get their input on the project. The development of this roadway and job ready sites would make the property more appealing to buyers.

Mrs. Blakey inquired as to the number of available lots in the City. Mr. Vath listed the following properties.

- 11-12 acres – Berry Logan Properties
- 138 acres – Leshner South
- 45 acres – Leshner North
- 10 acres – Troy Ford

Mr. Vath stated that there were a few smaller sites available in the City as well. He noted that the Kinna Drive extension would be a prime industrial location.

Mrs. Blair stated that she was in favor of Mr. Vath's recommendation but her husband would make the final decision. She stated that she did not know how the other property owners would react.

Mr. Vath stated that his next step would be to meeting with the property owners, if they are in agreement and City Council approves, staff will move forward with the grant application. City Council directed Mr. Vath to contact the property owners to evaluate their interest. Mr. Vath stated that he would report back to City Council after the discussions.

Capital Improvement
Funding

Mr. Vath used a PowerPoint presentation to discuss the City's Capital Improvement outlook since the levy was defeated by the voters. Mr. Vath identified possible cuts and potential revenue streams.

Discussion ensued about a storm water utility fee. Staff explained that the fee would be determined based upon the amount of money City Council wants to generate. Mrs. Blakey noted that the fee for large businesses was expensive. She requested that City Council be provided with those numbers again. Mr. Vagedes stated that the recommendations from Burgess and Niple will hold up in court.

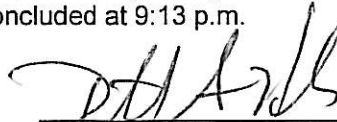
Mr. Lovett asked if the City was in compliance with the EPA mandates for Storm Water Retention. Mr. Vagedes stated that the City's reporting was in compliance and is currently paying \$7,500/year. He anticipated that this amount will increase in the future as the next phases of the program are implemented but didn't expect the cost to be more than \$20,000 a year. Mr. Vath stated that the money collected by a storm water utility fee did not have to be used strictly for storm water OEPA mandates.

Mr. Lovett asked if the existing ambulance was in good condition. Chief Senseman stated that he would need to spend at least \$6,000 in maintenance to keep the ambulance in the fleet. He noted that the cost of an ambulance will increase next year and the trade-in value of the existing unit will decrease. Chief Senseman noted that they were having problems with the high pressure oxygen system on this unit but he thought it was fixed. He added that Monroe Township pays 22% of the vehicle and equipment costs. City Council elected to move forward with the ambulance purchase, all other items recommended by staff will be cut.

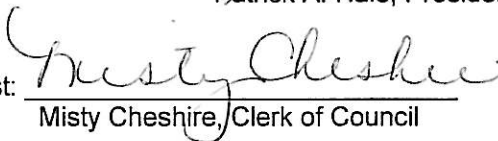
Based on the information provided, City Council chose to move forward with a \$10 increase to the City's Permissive Vehicle License Fee, which will generate \$110,000. Two ordinances will be prepared each for a \$5 increase. City Council could repeal either ordinance in the future if so desired. The legislation must be certified to the BMV by July 1st to be effective in January of 2008. Mr. Kessler noted that the citizens would view the license fee as a hidden tax and create a firestorm for City Council. Mrs. Gillis said that the license fee was a fair tax and would be used only for road improvements.

Adjournment

Mr. Lovett asked staff to prepare figures for a Police/Fire/EMS levy. The study session concluded at 9:13 p.m.



Patrick A. Hale, President of Council



Attest:

Misty Cheshire, Clerk of Council